equivalent method and a reference method.

The new equivalent method for the determination of lead in suspended particulate matter collected from ambient air uses a graphite furnace atomic absorption method and is identified as follows:

EQL–0895–107, ''Determination of Lead Concentration in Ambient Particulate Matter by Flameless (Graphite Furnace) Atomic Absorption (City of Houston, Texas).''

The applicant's request for an equivalent method determination for the above method was received on May 23, 1995. This method has been tested by the applicant, the Health and Human Services Department of Houston, Texas, in accordance with the test procedures prescribed in 40 CFR part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method.

This method uses the sampling procedure specified in the reference method for the determination of lead in suspended particulate matter collected from ambient air (43 FR 46258). Lead in the particulate matter is solubilized by extraction with nitric acid facilitated by heat. The lead content of the sample is analyzed by a Perkin Elmer HGA graphite furnace with Zeeman background correction and AS–40 Autosampler. Technical questions concerning the method should be directed to the City of Houston, Health and Human Services Department, Environmental Chemistry Service, 1115 S. Braeswood, Houston, Texas 77030.

The information submitted by the three applicants will be kept on file at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 and will be available for inspection to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, each of these methods is acceptable for use by States and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, each method must be used in strict accordance with the operation or instruction manual associated with the method or the procedures and specifications provided in the method description and subject to any limitations (e.g., operating temperature range) specified in the applicable designation (see description of the methods above). Vendor modifications of a designated method used for purposes of part 58 are permitted only with prior approval of EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to 40 CFR part 58 (Modifications of Methods by Users).

In general, a designation applies to any analyzer which is identical to the analyzer described in the designation. In some cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at a modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading. States or other agencies using a graphite furnace atomic absorption method that employs procedures and specifications significantly different from those in method EQL–0895–107 must seek approval for their particular method under the provisions of Section 2.8 of Appendix C to 40 CFR part 58 (Modification of Methods by Users) or may seek designation of such a method as an equivalent method under the provisions of 40 CFR part 53.

Part 53 requires that sellers of designated method analyzers comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B–1 of part 53 for at least one year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with part 53.

(5) If such an analyzer has two or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been canceled or if adjustment of the analyzer is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until the applicant has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified, or until the applicant has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, National Exposure Research Laboratory, Air Measurements Research Division (MD–78A), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these reference and equivalent methods is intended to assist the States in establishing and operating their air quality surveillance systems under part 58. Technical questions concerning any of the methods should be directed to the applicant. Additional information concerning this action may be obtained from Frank F. McElroy, Air Measurements Research Division (MD–77), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–2622.

J.K. Alexander,

Acting Assistant Administrator for Research and Development.

[FR Doc. 95–18984 Filed 8–1–95; 8:45 am]

BILLING CODE 6560–50–M

Acid Rain Division

[FRL–5269–4]

Acid Rain Provisions

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA today announces the allocation of allowances to small diesel refineries for desulfurization of fuel

during 1994, plus additional allocations for desulfurization from October 1, 1993 through December 31, 1993. The eligibility for and calculation of allowances to small diesel refineries is in accordance with Section 410(h) of the Clean Air Act, implemented at 40 CFR part 73, subpart G, and the notice published at 60 FR 14836, March 21, 1995.

FOR FURTHER INFORMATION CONTACT: Kathy Barylski, EPA Acid Rain Division (6204J), 401 M St., SW, Washington DC; telephone (202) 233–9074.

SUPPLEMENTARY INFORMATION: EPA's Acid Rain Program was established by Title IV of the Clean Air Act Amendments of 1990 (CAAA) to reduce acid rain in the continental United States. The Acid Rain Program will achieve a 50 percent reduction in sulfur dioxide (SO_2) emissions from utility units. The SO_2 reduction program is a flexible market-based approach to environmental management. As part of this approach, EPA allocates ''allowances'' to affected utility units. Each allowance is a limited authorization to emit up to one ton of SO_2. At the end of each calendar year, each unit must hold allowances in an amount equal to or greater than its SO_2 emissions for the year. Allowances may be bought, sold, or transferred between utilities and other interested parties. Those utility units whose annual emissions are likely to exceed their allocations may install control technologies or switch to cleaner fuels to reduce SO_2 emissions or buy additional allowances.

Section 410(h) of the Clean Air Act provides allowances for small diesel refineries that desulfurize diesel fuel from October 1, 1993 through December 31, 1999. Small refineries are not otherwise affected by the Acid Rain Program and do not need the allowances to comply with any provision of the Clean Air Act. Thus, the allowances serve as a financial benefit to small diesel refineries desulfurizing diesel fuel. On July 7, 1994, EPA announced the first allocation of allowances under the small diesel refinery program.

In late 1994, EPA was informed by several refiners that there was confusion regarding eligibility for the program. To resolve the confusion, EPA provided notice on March 21, 1995 (60 FR 14836) that extended the submittal date for requesting allowances for desulfurization in 1993 and in 1994 until May 15, 1995.

The following table lists 1,458 allowances to be allocated to five eligible refineries for desulfurization from October 1, 1993 through December 31, 1993. These refineries and allowances are in addition to the 7,944 allowances allocated in 1994 to fifteen refiners (see 59 FR 34811, July 7, 1994), bringing the total number of allowances allocated to 9,402. The allowances have a compliance year of 1995.

Refiner	Refinery name or location	Allocation
Big West Oil	Flying J	303
Crysen	Woods Cross, Utah	162
Hunt	Tuscaloosa, Alabama	580
La Gloria	Crown	400
Witco	Golden Bear	13

The following table lists the allowances allocated to eligible small diesel refineries for desulfurization in 1994. A total of 28215 allowances are allocated to 19 refiners. These allowances have a compliance year of 1995.

Refiner	Refinery name or location	Allocation
Big West Oil	Flying J	1230
Cenex	Laurel, Montana	1500
Crysen	Woods Cross, Utah	278
Frontier	Cheyenne, Wyoming	1500
Gary Williams	Bloomfield	1232
Giant	Ciniza	1275
Holly	Lea	1438
	Navajo	1479
	Montana	334
Hunt	Tuscaloosa, Alabama	1500
Kern	Bakersfield, California	1500
La Gloria	Crown	1500
Lion	El Dorato	1500
Paramount	Paramount, California	1500
Pennzoil	Atlas	1500
	Roosevelt	214
Powerine	Santa Fe Springs	1500
Pride	Abilene, Texas	1263
Sinclair	Little America	1362
	Sinclair, Wyoming	1500
	Tulsa, Oklahoma	1500
U.S. Oil & Refining	Tacoma, Washington	936
Witco	Golden Bear	51
Wyoming Refining	Denver, Colorado	623

Requests for allowances for desulfurization during 1995 are due no later than April 1, 1996. Allowances allocated in 1996 will have a compliance year of 1996.

Dated: July 27, 1995.

Paul M. Stolpman,

Director, Office of Atmospheric Programs.

[FR Doc. 95–18989 Filed 8–1–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5270–4]

Maryland: Final Determination of Adequacy of the State's Municipal Solid Waste Landfill Permitting Program

AGENCY: Environmental Protection Agency (Region III).

ACTION: Notice of Final Determination of Partial Program Adequacy for the State of Maryland's Application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires states to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether states have adequate ''permit'' programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, state/tribal landfill permit programs. The Agency intends to approve adequate state/tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, states/tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved state/tribal permit programs provide interaction between the state/tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in state/tribal areas with approved permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the state/tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a state/tribe and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The State of Maryland, through the Maryland Department of the Environment (MDE), applied for a determination of adequacy under section 4005 of RCRA. EPA has reviewed Maryland's MSWLF permit program application and proposed a determination on March 21, 1995, that Maryland's MSWLF permit program is adequate to ensure compliance with a major portion of the revised MSWLF Criteria, as described below. EPA is today issuing a final determination that the State of Maryland's program is adequate for partial approval.

EFFECTIVE DATE: The determination of adequacy for the State of Maryland shall be effective immediately.

FOR FURTHER INFORMATION CONTACT: U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Andrew Uricheck, mailcode (3HW50), telephone (215) 597–7936.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires states to develop permitting programs that incorporate the Federal Criteria under 40 CFR part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of state municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the agency has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which state/tribal programs must satisfy to be determined adequate.

EPA intends to approve state/tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for states or tribes to develop ''adequate'' programs for permits or other forms of prior approval, as imposing several minimum requirements. First, each state/tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the state/tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The state/tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the state/tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether state/tribal programs are ''adequate'' based on the criteria outlined above.

B. State of Maryland

On August 26, 1993, MDE submitted an application for adequacy determination for its MSWLF permit program. On March 21, 1995, EPA published a tentative determination of adequacy for most of the Maryland program, as described in detail below. Further background on the tentative determination of adequacy appears at Vol. 60, No. 54 **Federal Register** 14938–14941, March 21, 1995.

A public comment period began on March 21, 1995, and ended on May 19, 1995. As announced in the notice of tentative determination, a public hearing was held on May 17, 1995, in Baltimore, MD. Few people requested the opportunity to speak or offered public comments at the public hearing.

In the State's application for an adequacy determination, Maryland documented non-regulatory revisions to many portions of their existing program which had not fully met the Federal requirements in EPA's 40 CFR Part 258. EPA tentatively determined in the March 21, 1995 **Federal Register** that these changes, as described below, allowed Maryland's MSW landfill permitting program to be eligible for EPA approval as ensuring compliance with 40 CFR Part 258. Those portions of the Maryland municipal solid waste landfill permitting program proposed to be eligible for partial approval are as follows:

Subpart A—General

The existing Maryland requirements fully comply with 40 CFR Section 258.1, Purpose, Scope, and Applicability. MDE permit application checklists and internal guidance have been revised to fully incorporate the requirements of § 258.2, Definitions and § 258.3, Consideration of other Federal laws.

Subpart B—Location Restrictions

1. The existing Maryland requirements fully comply with § 258.11, Floodplains.